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Good Samaritan Compassions in Karnataka

Chandrashekar.S.V*

[The humanitarian views are global thoughts and nature of humanitarian principles is the fundamental foundation for every democratic norm, values, and public interests. The democratic values are measured not only by setting the norms, but in following the same. Based on these deliberations, the norms of the nation and responsibility of the public should work in the sustainable mode. This will prove actual thoughts of humanitarian principles by all means of societal needs. The prime objectives in the humanitarian principles pertain to the practice of protecting the lives as well as their sufferings.]

Humanitarian views are also called as emergency response to the causes like natural disasters, road accidents and crime victimization. State's duty is to ensure public safety and protection of its citizens in equal respects. In India, there are some issues that still need to be enlightened by the entire citizens in their minds pertaining to cause of crime victimization. Good Samaritan and the

concepts of Good Samaritan laws are formed to help the victims injured or in dangerous condition. Supreme Court of India made it clear officially to those who save the lives of the victims that there are exceptional interventions by the court, hospital and police.

Humanitarian Doctrine, Good Samaritan and Public advocacy

The underlying doctrine of Good Samaritan law is to protect liability of the civilians, it boosts

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the civilians to save the lives of the victims of road accidents without viewing their negligence and makes them to voluntarily participate in the rescue. It also encourages assisting without any hesitations, liability made in the assistance. The rescue act is performed as the basic needy responsibility, being citizen of the country. Saving a life, serving as civilian etc, are the basic concepts in the humanitarian views.

Public advocacy is the concept of every citizen of a particular nation to serve the nation for its welfare and to uplift the nationalism. As state assures the rights to the citizen, same way the state also expects its citizen in certain issues relating to the social contemplations. Public advocacy is voluntary participation of the citizen.

Good Samaritan law in India

The Supreme Court of India, made it clear in guidelines of saving lives of road accident victims. Now it has cleared way for the bystanders to help the road accident victims. This is the first time in India through a policy and guidelines to the government of India to form a law to help the victims. It is the fulfillment of the system and the procedural conflicts between the bystanders and the criminal justice.

The Law Commission of India in its 201st report also stressed on the patients' treatment. It also assured that the hospital or medical practitioner shall provide emergency care to the victims of the accidents or those who are in emergency medical condition, in medico –legal cases, if they refuse treatment then that will be an offense. This emergency period is mentioned as Golden Hour, the first hour of the incident, where emergency treatment is needed.

Whenever the victims are brought for medical treatment, the treatment should start instantaneously in the aid of saving life and

criminal law should be allowed to operate in order to avoid negligent death. It is not only for the bystanders but also for the police, medical officers. The Union government has instructed all the states to follow the Supreme Court rule and to establish the law of Good Samaritan.

Apex Court's Judgment

It was a writ petition filed by the Save Life Foundation & Anr versus Union of India & Anr , on the article 32 of the Constitution of India in the public interest for the development of supportive legal framework to protect Samaritans by bystanders and passer-bys. It is a duty in order to save life of the people. The department of road transport is responsible for framing motor vehicle legislation and evolving road safety standards in India.

The WHO in its world report on road traffic injury prevention, 2004 has projected that by 2020 road accidents will be one of the biggest killers in India. It has also emphasized that in low income countries such incidents are likely to increase.

The Gazette of India

The Gazette of India dated the 12th May 2015 reports that Honorable Supreme Court in the case of Save Life Foundation vs. the Union of India, orders the Government of India to issue the necessary directions to protect the good Samaritans from harassment on the actions being taken by them to save the life of the road accident victims and therefore the central government issues the guidelines to be followed by hospitals, police and all the authorities for the protection of good Samaritan.

1. A bystander or Good Samaritan, including an eye witness of the accidents, may take an injured person to the nearest hospital and the bystander or Good Samaritan should be

allowed to leave immediately. Except after furnishing address by the eyewitness only, no question shall be asked from such bystander or Good Samaritan.

2. The bystander or Good Samaritan shall be suitably rewarded or compensated to encourage other citizens to come forward to help the road accident victims by the authorities in the manner as may be specified by the State Governments.
3. The bystander or Good Samaritan shall not be liable for any civil and criminal liability.
4. A Bystander or Good Samaritan, who makes a phone call to inform the police or emergency services for the person lying injured on the road, shall not be compelled to reveal his name and personal details on the phone or in person.
5. The disclosure of the personal information, such as name and the contact details of the Good Samaritan shall be made voluntary and optional including in the medico-legal case form provided by hospitals.
6. The disciplinary or departmental action shall be initiated by the government concerned against public officials who coerce or intimidate a bystander or Good Samaritan for revealing his name or personal details.
7. In case a bystander or Good Samaritan, who has voluntarily stated that he is also an eye witness to the accident and is required to be examined for the purposes of investigation by the police or during the trial, such bystander or Good Samaritan shall be examined on a single occasion and the state government shall develop standard operating procedures to ensure that the bystander or Good Samaritan is not harassed or Intimidated.

Government of Karnataka efforts

Government of Karnataka's initiation has been more profound in the recent times because of its achievement by setting a new milestone in the creation of Law called HARISH SANTHWANA. It is the form of Good Samaritan law in Karnataka which was established on the grounds of humanitarian principles. The law was supposed to be called as SANTHWANA; it's a form of compensatory money scheme through the Chief Minister.

This is ideal form of establishment through the government in order to protect the lives of road accident victims. This SANTHWANA scheme merely used, after the incident of Harish, a security guard died in the road accident near heavy traffic road of Nelamangala, Bengaluru, a truck ran over his body, which was cut into two halves. But the conscious level of Harish was so strong, he was bleeding severely. Public was shocked and no one dared to see such condition with naked eyes.

By standers were unable to do anything by seeing such incident and this made Harish to pass away. Before his death, his half cut body was responding to the inhumanly moving traffic to pass aside by showing his own hand and requesting. And also he shouted towards public to donate his organs. Such a tragic moment made everyone to be human. The government then initiated this law and to protect those who react in the protection of victims shall deem to be exception in the later consequences of procedures with hospital, Police and with witness.

Instantaneous Response: This is a facility of 104 bike ambulance and 108 four-wheeler ambulance for immediate response of these kinds of emergency needs. These ambulances are multi-facilitated vehicle with first-aid and the medical servants.

Medical Treatment Facilities

1. All the government hospitals at Taluk, district levels, community health centers and in all the Primary Health Centers shall respond.
2. All the Medical Colleges including private and Government across the state.
3. All the private hospitals across the state, having emergency and intensive care units.
4. Government certified and approved all the hospitals, both the private and governmental, are under Global Positioning System (GPS), that makes it easy to find out the nearby hospital with the help of maps and routes.

Specific characteristics of this scheme

1. First time in Karnataka state.
2. The victims of the road accident within the geographical area of the state are eligible.
3. Within 48 hours of the incident, 25000 rupees worth of the cashless treatment including ICU.
4. Certified hospitals are made responsible for quality treatment.
5. Government will pay the fee by the SUVARNA AAROGHYA SURAKSHA TRUST.
6. Public is encouraged to join their hands with the 104 and 108 ambulances.
7. This scheme is introduced by the programs of Health and family welfare and also with the Suvarna Aaroghya Suraksha trust of the government.

Rajasthan is another state, which has the same idea of establishing law relating to these issues in future developments. Now the whole India should adopt this concept on the grounds of humanitarian principle. Public shall also be active in the government initiations.

Conclusion

The Good Samaritan law is having the nature of the doctrine of rescue and the duty of the citizen within its formulation, the other way it is initiation to the public for their advocacy in saving the life of the victims who are in emergency need. Karnataka state is the first state to show its concern to adopt this law. The other states are also working in order to make execution of this law for their better assurance to the public. Rajasthan is the other state which is working towards enactment of this law. It is a better radical change in the field of law and criminal justice that the possible measures can be taken in order to save life. One can hope that public advocacy will hopefully keep the momentum in the future.

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